

Hon. Barbara Rothstein

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JAMES and SHAYLEE MEDICRAFT,  
husband and wife and the marital  
community thereof, themselves and on  
behalf of their minor children: J.M., A.M.,  
E.M., M.M. and N.M.,

Plaintiffs,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

NO. 2:21-cv-01263-BJR

ORDER GRANTING  
STIPULATED MOTION FOR  
FRCP 35 MEDICAL EXAM OF  
MINOR PLAINTIFF E.M

THIS MATTER has come before the Court on Defendants, the State of Washington, Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez; Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's Stipulated Motion for FRCP 35 Medical Exam Of Minor Plaintiffs, said Defendants appearing through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay; Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel, Nathan J. Arnold; Defendant Phoenix Protect Corp., appearing through their counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al Marfadi and Jane Doe Marfadi, appearing

1 through their counsel, Pedro “Kepa” Zugazaga and Nicole M. Rhoades; and all parties having  
 2 stipulated and the Court having considered the Stipulated Motion, and the agreed stipulation by  
 3 all of the parties, and good cause appearing, now, therefore:

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 5 **ORDERS and ADJUDGES** the following:

6 1. The Independent Mental Exam of minor Plaintiff E.M. by Dr. Jill McGovern will be held  
 7 as follows:

8 a. Date and time of Examination: Tuesday November 7 2023 at 9:00 A.M and continuing as  
 9 needed, with reasonable breaks, including time for lunch, until no later than 5:00 P.M.

10 b. Location of Examination: Conference room at 4000 Faber Place Drive Charleston, South  
 11 Carolina, 29405.

12 c. Examiner: Dr. Jill McGovern, Ph.d.

13 d. Scope: The examination is to evaluate the Plaintiff’s past mental and emotional trauma,  
 14 adaptive functioning, current mental health/psychological concerns and any future mental  
 15 health/psychological treatment. The examination will include a records review, the  
 16 administration of valid and reliable testing routinely used by forensic mental health experts to  
 17 evaluate minor children, rapport building, and a clinical interview. The examination will be  
 18 conducted according to professional standards as to the examination of minors. No invasive tests,  
 19 such as MRI’s, blood testing, or X-rays shall be administered during the examination.

20 2. The Plaintiff may have a representative present at the evaluation, who is not a potential  
 21 witness, a friend, or a relative of the Plaintiff. The representative of the Plaintiff may observe,  
 22 but may not interfere or obstruct the examination.

23 3. The examination will be videotaped by a professional videographer, including all testing  
 24 and interview portions. No other audio or video recording or monitoring shall be permitted  
 25 during the examination.  
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1 4. Any raw data for any testing performed shall be made available to the Plaintiff's retained  
2 psychological experts(s) upon request.

3 5. Pursuant to FRCP 35, Plaintiff hereby requests and Defendants shall produce a signed  
4 written report setting forth the examiner's findings, including diagnosis, conclusions, and the  
5 results of any testing within forty five (45) days of the examination.

6 DATED this 6th day of November 2023.  
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11 The Honorable Barbara Rothstein  
12 United States District Judge  
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